

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION

4 UNITED STATES OF AMERICA,) DOCKET NO. 3:10-CR-182
5)
6 Plaintiff,)
7)
8 versus) VOLUME X
9)
10 MICHAEL T. RAND,)
11)
12 Defendant.)
13 _____)

14
15 TRANSCRIPT OF TRIAL PROCEEDINGS
16 BEFORE THE HONORABLE ROBERT J. CONRAD, JR.
17 UNITED STATES DISTRICT COURT JUDGE
18 JULY 18, 2014
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24 LAURA ANDERSEN, RMR
25 Official Court Reporter
United States District Court
Charlotte, North Carolina

1 APPEARANCES:

2 On Behalf of the Government:

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 Charlotte, North Carolina

6 On Behalf of the Defendant:

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P R O C E E D I N G S

JULY 18, 2014, COURT CALLED TO ORDER 9:01 a.m:

(Jury commenced deliberations at 9:01 a.m; the court stood at ease waiting for a response from the jury.)

THE COURT: The jury has indicated they are starting deliberations, so in the morning I think everybody should stay close until you get a sense of the pattern.

MR. GURNEY: Okay.

(The jury knocks at 9:05 a.m:)

(The jury sent out a note indicating they need help with the audio/video equipment in the jury room.)

(Audio/video equipment fixed; jury commenced deliberations at 9:14 a.m.)

(The jury knocks at 11:29 a.m indicating they have a verdict.)

(Court called to order at 11:34 a.m.)

(All parties present.)

THE COURT: The jury has indicated they have a verdict. Are we ready to call the jury?

MR. MEYERS: We are.

MR. GURNEY: Yes, sir.

THE COURT: Call the jury.

(The jury was returned to the courtroom at 11:35 a.m.)

THE COURT: Members of the jury, have you selected a

1 foreperson?

2 THE JURY: Yes.

3 THE COURT: Mr. Guinness, is that --

4 FOREPERSON: (Nodding.)

5 THE COURT: Mr. Guinness, as foreperson, can you
6 tell me whether the jury reached a verdict in this case?

7 FOREPERSON: We have.

8 THE COURT: Have you recorded it on the jury form?

9 FOREPERSON: I have.

10 THE COURT: At this time would you hand it to the
11 deputy clerk.

12 FOREPERSON: (Complies.)

13 THE COURT: I'm going to inspect the verdict form
14 and then ask the clerk to publish it in open court.

15 And as the clerk publishes it, I would ask that the
16 jurors pay careful attention to the publishing of the verdict,
17 either side may wish the jury to be polled to make sure it's
18 your own individual verdict.

19 Madam Clerk, would you publish the verdict?

20 COURT CLERK: In the matter of United States of
21 America versus Michael T. Rand Docket 3:10-cr-182, your jury
22 verdict:

23 As to Count One, we the jury unanimously find the
24 defendant guilty.

25 If guilty, we unanimously find the following was an

1 object of the conspiracy.

2 You found to commit securities fraud; to make false
3 or misleading statements to auditors and accountants; to
4 circumvent Beazer's internal accounting controls; to falsify
5 books, records and accounts of Beazer.

6 As to Count Two, we the jury unanimously find the
7 defendant guilty.

8 As to Count Six, we the jury unanimously find the
9 defendant guilty.

10 As to Count Nine, we the jury unanimously find the
11 defendant guilty.

12 As to Count Eleven, we the jury unanimously find the
13 defendant guilty.

14 THE COURT: Does either side wish to have the jury
15 polled?

16 MR. GURNEY: We do, Your Honor.

17 THE COURT: Madam Clerk, would you poll the jury.

18 COURT CLERK: Ladies and gentlemen, you've heard the
19 verdict published.

20 Juror No. 1, was this your verdict; is this still
21 your verdict?

22 JUROR NO. 1: Yes.

23 COURT CLERK: Juror No. 2, was this your verdict; is
24 it still your verdict?

25 JUROR NO. 2: Yes.

1 COURT CLERK: Juror No. 3, was this your verdict; is
2 it still your verdict?

3 JUROR NO. 3: Yes.

4 COURT CLERK: Juror No. 4, was this your verdict; is
5 it still your verdict?

6 JUROR NO. 4: Yes.

7 COURT CLERK: Juror No. 5, was this your verdict; is
8 it still your verdict?

9 JUROR NO. 5: Yes.

10 COURT CLERK: Juror No. 6, was this your verdict; is
11 it still your verdict?

12 JUROR NO. 6: Yes.

13 COURT CLERK: Juror No. 13, was this your verdict;
14 is it still your verdict?

15 JUROR NO. 13: Yes.

16 COURT CLERK: Juror No. 8, was this your verdict; is
17 it still your verdict?

18 JUROR NO. 8: Yes.

19 COURT CLERK: Juror No. 9, was this your verdict; is
20 it still your verdict?

21 JUROR NO. 9: Yes.

22 COURT CLERK: Juror No. 10, was this your verdict;
23 is it still your verdict?

24 JUROR NO. 10: Yes.

25 COURT CLERK: Juror No. 11, was this your verdict;

1 is it still your verdict?

2 JUROR NO. 11: Yes.

3 COURT CLERK: Juror No. 12, was this your verdict;
4 is it still your verdict?

5 JUROR NO. 12: Yes.

6 THE COURT: Members of the jury, I want to thank you
7 again for your service. We asked a lot of you and you
8 conscientiously responded. There's not much in the way of
9 compensation we send your way for that commitment of time. We
10 did, as you probably noticed by now, stand when you come into
11 the courtroom and left it, in recognition of your role in this
12 process as judges of the facts. And you have given
13 magnaminously of your time, and we thank you for it.

14 The good news at this point is there are no more
15 cases on the term and so your service is at an end. You're
16 free to go and you go with the court's thanks.

17 Thank you.

18 (The jury was escorted from the courtroom.)

19 THE COURT: As a follow-up to what I told the
20 jurors, we did ask a lot of them, and I'll dismiss them. And
21 I'm dismissing them to go about their business, and I'm
22 instructing attorneys from both sides not to have any contact
23 with jurors without any court permission. I want to release
24 them back to their normal lives.

25 Mr. Rand, we've been at this stage of the

1 proceedings before, and so I think what I told you before was
2 not news to you, but in light of the jury verdict, the process
3 from here will be that the case will be given to the probation
4 office for the purpose of preparing a report.

5 Once that report is prepared, it will be sent to
6 both sides for a review. Any objections either side has to
7 the report, there's a time period for those to be made, for
8 the probation office to respond to them, and ultimately for it
9 to come to me for a sentencing hearing. That will be some
10 time from now. It takes a while to prepare the report. Takes
11 a while for the process to complete in terms of parties'
12 objections and probation officer's response. But when all of
13 that is done, I will schedule this for a sentencing hearing.

14 What is the government's position with respect to
15 the bond status of the defendant?

16 MR. MEYERS: I believe it should continue as it is,
17 Your Honor.

18 THE COURT: All right. So you currently are under
19 conditions of pretrial release. Those conditions will
20 continue until the sentencing hearing. Are there any
21 questions? Do you have any questions about that process?

22 THE DEFENDANT: No, I mean -- I'm sorry. I don't
23 know how to say this, but every year I take my kids away for a
24 trip to a baseball card convention. I just ask, can I do
25 that?

1 THE COURT: Let the probation office know about
2 that. The probation office will ask the government their
3 decision on that, and I'll make a decision on that.

4 THE DEFENDANT: Thank you.

5 THE COURT: Anything further for me to decide?

6 ALL COUNSEL: No, Your Honor.

7 THE COURT: We'll stand in recess.

8 (The matter is concluded at 11:43 a.m.)

9 (End of Proceedings.)

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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF NORTH CAROLINA
13 CERTIFICATE OF OFFICIAL REPORTER

14 I, Laura Andersen, Federal Official Court Reporter, in
15 and for the United States District Court for the Western
16 District of North Carolina, do hereby certify that pursuant to
17 Section 753, Title 28, United States Code that the foregoing
18 is a true and correct transcript of the stenographically
19 reported proceedings held in the above-entitled matter and
20 that the transcript page format is in conformance with the
21 regulations of the Judicial Conference of the United States.

22 Dated this the 21st day of July, 2014.

23
24 S/Laura Andersen
25 Laura Andersen, RMR
Federal Official Court Reporter